

Claimant, who worked as a cook for respondent, was asked to attend an in-service seminar on November 21, 1998. Respondent provided transportation from its facilities in Topeka, Kansas, to the seminar in Kansas City. Claimant rode from Topeka to Kansas City in one of two vans respondent provided. Several of the employees rode in a car driven by Kathy Wilson. The van in which claimant was riding experienced some difficulties on the trip. Claimant asked for permission to ride back in the car with three other women. After it was determined that she would ride back in the car, claimant was advised that one of the passengers intended to stop in Lawrence to see her brother at Blockbuster Video. The car

was stopped while one of the passengers went in. Claimant remained in the car. The car was stopped approximately five minutes and the women then went down the street to a Texaco gas station to use the restroom. While walking to the restroom, claimant slipped and fell, suffering an injury which is the subject of this workers compensation claim.

The Administrative Law Judge concluded that the injury arose out of and in the course of claimant's employment, and the Board agrees. At the time of the accident, claimant was on the return trip from a mandatory seminar. Respondent argues that claimant could have ridden in the other van and could have switched to a van once she learned the car was going to make a stop in Lawrence. All this appears to be true. But, claimant was returning in one of the vehicles respondent made available for the return trip. The stop in Lawrence was for the benefit of one of the other workers, not for claimant. The stop in Lawrence was brief. For these reasons, the Appeals Board finds and concludes that the Order should be affirmed.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order entered by Administrative Law Judge Brad E. Avery on February 5, 1999, should be, and the same is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of April 1999.

BOARD MEMBER

c: Stanley E. Oyler, Topeka, KS
Kip A. Kubin, Overland Park, KS
Brad E. Avery, Administrative Law Judge
Philip S. Harness, Director